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Durga P. Satapathy

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EXAMINER

BEAMER, TEMICA M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/035,620	Applicant(s) SATAPATHY ET AL.	
	Examiner TEMICA M. BEAMER	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 13-21, 23, 24, 26-37, 39, 41-50, 56-61, 63, 64 and 66-69 is/are rejected.
- 7) ☒ Claim(s) 7-12, 22, 25, 38, 40, 51-55, 62 and 65 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/13/2007, with respect to claims 7-12, 22, 25, 38, 40, 51-55, 62 and 65 have been fully considered and are persuasive. Therefore, the rejection of claims 7-12, 22, 25, 38, 40, 51-55, 62 and 65 has been withdrawn.

2. Applicant's arguments filed 8/13/2007, with respect to claims 1-6, 13-21, 23, 24, 26-37, 39, 41-50, 56-61, 63, 64 and 66-69 have been fully considered but they are not persuasive.

Applicant argues that mobile station does not meet the limitation of engaging in the wireline communication to communicate with the wireline switch. Applicant states that the mobile station only communicates with the wireless switch and can only engage in the wireless communication.

Upon further review of McConnell and the claimed subject matter, the examiner maintains that the mobile station (MS) (access device) does engage in the wireline communication via the wireline switch (PSTN).

McConnell discloses wherein the MS is connected to an MSC in order to engage in wireless communication. McConnell further discloses wherein the MS is connected to a PSTN for engaging in wireline communication (col. 6, lines 31-43 and col. 12, lines 45-54).

Inherent to the PSTN/wireline system are landline devices which can communicate via wire to other landline devices and mobile devices. Inherently, mobile devices can place a call to landline phone and engage in the wireline communication with the landline device via the connection of the MSC and the PSTN. Further mobile devices can receive calls from landline devices and therefore engage in the wireline communication with the landline device via the PSTN and MSC connections. Such connectivity between the mobile devices, landline devices, the MSC and the PSTN is conventional to the telecommunications system (McConnell, col. 12, lines 50-54).

Therefore, the examiner maintains that the mobile station does in fact engage in a wireline communication via the MSC/PSTN connection. The rejections to the claims are set forth below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 13-21, 23, 24, 26-37, 39, 41-50, 56-61, 63, 64 and 66-69 are rejected under 35 U.S.C. 102(b) as being anticipated by McConnell et al (McConnell), U.S. Patent No. 6,944,150.

Regarding claims 1 and 48, McConnell discloses a system/method for multiple access comprising a wireline switch (22) configured to communicate using a wireline

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communication (figures 1-3); a wireless switch (20 or 24) configured to communicate using a wireless communication (figures 1-3); and an access device (12) configured to engage in the wireline communication to communicate with the wireline switch and to engage in the wireless communication to communicate with the wireless switch (col. 6, lines 31-43).

Regarding claims 2 and 49, McConnell discloses the system/method of claims 1 and 48 wherein the access device is configured to receive the wireless communication from the wireless switch and to receive the wireline communication from the wireline switch (col. 6, lines 31-43; figures 1-3).

Regarding claims 3 and 50, McConnell discloses the system/method of claims 1 and 48 wherein the access device is configured to transmit the wireless communication to the wireless switch and to transmit the wireline communication to the wireline switch (col. 6, lines 31-43; figures 1-3).

Regarding claim 4, McConnell discloses the system of claim 1 wherein the wireless communication comprises at least one member of a group comprising a multipoint multichannel distribution service spectrum communication, a code division multiplex access communication, a personal communication service communication, an unlicensed personal communications services spectrum communication, an industrial scientific medical spectrum communication, an unlicensed national information infrastructure spectrum communication, and a satellite service communication (col. 1, lines 38-52).

Regarding claim 5, McConnell discloses the system of claim 1 wherein the wireline communication comprises at least one member of a group comprising a digital subscriber line based communication and a hybrid fiber coaxial based communication (col. 2, lines 51-59).

Regarding claim 6, McConnell discloses the system of claim 1 wherein the access device and the wireless switch are not within line of sight (figures 1- 3).

Regarding claim 13, McConnell discloses the system of claim 1 wherein the access device comprises a digital subscriber line modem (col. 2, lines 50-59).

Regarding claim 14, McConnell discloses the system of claim 1 wherein the wireline switch comprises a digital subscriber line access multiplexer (col. 2, lines 50-59).

Regarding claim 15, McConnell discloses the system of claim 1 wherein the wireline switch comprises at least one member of a group comprising a local exchange carrier switch and an interexchange carrier switch (figures 1-3).

Regarding claims 16-19, and 56-59, McConnell discloses the system/method of claims 1 and 48 wherein the access device is configured to process the wireless communication with at least one member of a group comprising encryption, de-encryption, encoding, decoding, multiplexing, de-multiplexing, modulation, and demodulation (inherent to wireless and wireline communications (col. 6, lines 31-43; figures 1-3).

Regarding claims 20 and 60, McConnell discloses the system/method of claims 1 and 48 further comprising a service node configured to communicate with the wireless switch (figures 1-3).

Regarding claims 21 and 61, McConnell discloses the system/method of claims 20 and 60 wherein the service node is configured to communicate with the wireless switch using at least one member of a group comprising a wireless communication and a wireline communication (figures 1-3).

Regarding claims 23 and 63, McConnell discloses the system/method of claims 1 and 48 further comprising a service node configured to communicate with the wireline switch (figures 1-3).

Regarding claims 24 and 64, McConnell discloses the system/method of claims 23 and 63 wherein the service node is configured to communicate with the wireline switch using at least one member of a group comprising a wireless communication and a wireline communication (figures 1-3).

Regarding claims 26 and 66, McConnell discloses the system/method of claims 1 and 48 wherein the wireless communication comprises a first service type communication and the wireline communication comprises a second service type communication (col. 6, lines 31-43).

Regarding claim 27, McConnell discloses a system for multiple access comprising: a wireline switch configured to receive a first set of communications, to format the first set of communications as at least one wireline communication, and to transmit the at least one wireline communication a wireless switch configured to receive

a second set of communications, to format the second set of communications as at least one wireless communication, and to transmit the at least one wireless communication; and an access device configured to receive the at least one wireline communication and the at least one wireless communication (col. 6, lines 31-43).

Regarding claim 28, McConnell discloses the system of claim 27 wherein the first set of communications are formatted as a plurality of wireline communications, and the wireline switch is configured to transmit the plurality of wireline communications to the access device (col. 6, lines 31-43; figures 1-3).

Regarding claim 29, McConnell discloses the system of claim 27 wherein the wireline switch comprises a digital subscriber line access multiplexer, and the digital subscriber line access multiplexer is configured to multiplex the first set of communications as at least one digital subscriber line wireline communication (col. 2, lines 51-59).

Regarding claim 30, McConnell discloses the system of claim 27 wherein the second set of communications are formatted as a plurality of wireless communications, and the wireless switch is configured to transmit the plurality of wireless communications to the access device (figures 1-3).

Regarding claim 31, McConnell discloses the system of claim 27 further comprising a premises equipment wherein the access device is configured to format the wireless communication to a digital communication and to transmit the digital communication to the premises equipment (col. 6, lines 44-55).

Regarding claim 32, McConnell discloses the system of claim 31 wherein the digital communication comprises voice based data, and the premises equipment is configured to format the digital communication as an analog communication for voice access (col. 6, lines 44-55).

Regarding claim 33, McConnell discloses the system of claim 27 further comprising a premises equipment wherein the wireless communication comprises voice-based data, and the access device is configured to format the wireless communication to an analog communication for voice access and to transmit the analog communication to the premises equipment (col. 6, lines 44-55).

Regarding claim 34, McConnell discloses the system of claim 27 wherein the first set of communications comprises data representative of at least one member of a group comprising voice-based data, internet protocol data, digital data, video data, and media data (col. 6, lines 31-55).

Regarding claim 35, McConnell discloses the system of claim 27 wherein the second set of communications comprises data representative of at least one member of a group comprising voice-based data, internet protocol data, digital data, video data, and media data (col. 6, lines 31-55).

Regarding claim 36, McConnell discloses a system for multiple access comprising: an access transceiver configured to communicate using a wireline communication and a wireless communication; a medium access control layer configured to control access to the access transceiver for communicating the wireline communication and the wireless communication (figures 1- 3); and a service hub

configured to communicate first data for the wireline communication and second data for the wireless communication for at least one premises communication (col. 6, lines 31-67; figures 1-3).

Regarding claim 37, McConnell discloses the system of claim 36 further comprising a multiplexer configured to demultiplex the wireline communication and the wireless communication (col. 6, lines 44-55).

Regarding claim 39, McConnell discloses the system of claim 36 further comprising a multiplexer configured to multiplex at least one member of a group comprising the first data and the second data (col. 6, lines 44-55).

Regarding claim 41, McConnell discloses the system of claim 36 further comprising a modulator configured to modulate data from the premises communication for generation of at least one member of a group comprising the wireline communication and the wireless communication (col. 6, lines 44-55).

Regarding claim 42, McConnell discloses the system of claim 36 further comprising a modulator configured to demodulate data from at least one member of a group comprising the wireline communication and the wireless communication for generation of the premises communication (col. 6, lines 44-55).

Regarding claim 43, McConnell discloses the system of claim 36 wherein the access transceiver comprises at least one member of a group comprising a plain old telephone service port, a digital subscriber line port, a hybrid fiber coaxial port, and an antenna (col. 2, lines 39-50).

Regarding claim 44, McConnell discloses the system of claim 36 further comprising a premises equipment comprising at least one member of a group comprising a computer, a telephone, a set top box, and a narrowband device (figures 1-3).

Regarding claim 45, McConnell discloses the system of claim 36 wherein the access transceiver is configured to transmit or receive the wireline communication and the wireless communication (col. 6, lines 31-55).

Regarding claim 46, McConnell discloses the system of claim 36 wherein the medium access control layer further is configured to control a resource for combining first data from the wireline communication and second data from the wireless communication to another communication (col. 6, lines 44-55).

Regarding claim 47, McConnell discloses the system of claim 36 wherein the service hub is configured to transmit or receive the premises communication (figures 1-3).

Regarding claim 67, McConnell discloses a method for multiple access comprising: receiving a first set of communications at a wireline switch, formatting the first set of communications as at least one wireline communication, and transmitting the at least one wireline communication; receiving a second set of communications at a wireless switch, formatting the second set of communications as at least one wireless communication, and transmitting the at least one wireless communication; and receiving the at least one wireline communication and the at least one wireless communication at an access device (col. 6, lines 31-55; figures 1-3).

Regarding claim 68, McConnell discloses the method of claim 67 further comprising formatting the first set of communications as a plurality of wireline communications, and transmitting the plurality of wireline communications to the access device (col. 6, lines 31-55; figures 1-3).

Regarding claim 69, McConnell discloses the method of claim 67 further comprising formatting the second set of communications as a plurality of wireless communications, and transmitting the plurality of wireless communications to the access device (col. 6, lines 31-55; figures 1-3).

Allowable Subject Matter

5. Claims 7-12, 22, 25, 38, 40, 51-55, 62 and 65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TEMICA M. BEAMER whose telephone number is (571)272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Temica M. Beamer/
Primary Examiner, Art Unit 2617